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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/741,800	12/22/2000	Farshad Nayeri	11452-002001	9066
7590	04/09/2004		EXAMINER	
LAW OFFICE OF ANDREW BODENDORF 3916 S. 16TH ST. ARLINGTON, VA 22204			SAX, STEVEN PAUL	
			ART UNIT	PAPER NUMBER
			2174	
			DATE MAILED: 04/09/2004	13

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/741,800	NAYERI, FARSHAD	
	Examiner Steven P Sax	Art Unit 2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 23 January 2004.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) 14,15 and 24 is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-13,16-23 and 25-44 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

1. This application has been examined. The election of claims 1-13 and 16-23, with traverse, plus new claims 25-44, have been received.

2. Applicant made the election with traverse, but did not provide arguments as to why the restriction would not be valid. Examiner thus simply repeats that the two groups of inventions are subcombinations useable together. Invention II (claims 14-15 and 24) has a separate utility of obtaining cookie ID information for determining website navigation activity. The restriction requirement is thus Final.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-13, 16-23, 25-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Farber et al (5819284) and Rakavy et al (6317789).

5. Regarding claim 1, Farber et al show the computer network with at least one client computer, a plurality of content provider computers and a server computer (abstract, Figure 1, column 1 lines 30-40, column 2 lines 60-67, column 3 lines 1-10),

the client computer being programmed to gather personal preferences of a user of the client with respect to screensaver content and cause the personal preferences to be sent to the server computer (column 1 lines 30-60, column 5 lines 1-30), the server being programmed to receive the personal preferences and to cause meta information to be sent to the client computer identifying screensaver content corresponding to the personal preferences (column 4 lines 32-55, column 5 lines 19-40), and the client computer being programmed to receive the meta information to obtain the identified screensaver content directly from the content provider computers in accordance with the user preferences (column 6 lines 40-64). Farber et al do not specifically show that the network is over the Internet, but do mention a wide variety of network resources for enabling diverse information to be accessed. Furthermore, Rakavy et al do mention specifically using the Internet as the computer network, for a wide variety of network resources for enabling diverse information to be accessed (column 3 lines 20-35, column 5 lines 15-35). It would have been obvious to a person with ordinary skill in the art to use the Internet in Farber et al, because it would provide a wide variety of network resources for enabling diverse information to be accessed.

6. Regarding claim 2, the screensaver content is visual (Farber et al Figure 4 for example).

7. Regarding claim 3, the screensaver content is also audio (Farber et al column 5 lines 55-64).

8. Regarding claim 4, the client may be a mobile display device (Farber et al column 2 lines 50-56).

9. Regarding claim 5, in addition to the reasons for rejecting claim 1, note that the screensaver content is periodically updated (Farber et al abstract last 2 lines, column 6 lines 60-64).

10. Regarding claim 6, note that the servers are balanced and accessed in an order accordingly (Farber et al column 4 lines 60-63).

11. Regarding claim 7, in addition to the reasons for claim 5, note that a low bandwidth connection may be used to receive an item before others (Farber et al column 3 lines 40-65, column 4 lines 1-10 and 25-30, and also note the real time).

12. Regarding claim 8, in addition to the reasons for claim 5, note the hyperlink (Farber et al column 3 lines 53-59, column 4 lines 60-67). Rakavy et al have hyperlinks as well in the advertisement screensaver program (column 11 lines 5-55). It would have been obvious to a person with ordinary skill in the art to have this during the screensaver program in Farber et al, because it would allow a wide variety of network resources for enabling diverse information to be accessed.

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13. Regarding claim 9, in addition to the reasons for claim 5, a plurality of client computers may be used (Farber et al column 2 lines 45-55, column 4 lines 40-63).

14. Regarding claim 10, the content may be different based on input between the users (Farber et al column 4 lines 40-63).

15. Regarding claim 11, in addition to the reasons for claim 5, a report is issued to the server regarding availability of the content (Farber et al column 4 lines 35-63).

16. Regarding claim 12, in addition to the reasons for claim 5, the user may input a desire to include content (Farber et al column 6 lines 50-62).

17. Regarding claim 13, in addition to the reasons for claim 5, an account of the user is modified based on a screensaver content value (Farber et al column 3 lines 25-50).

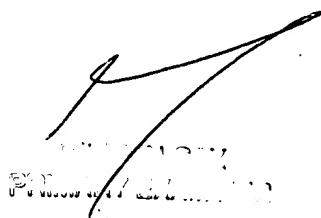
18. Claims 16-23 show the same features as in claims 1-13 and are rejected for the same reasons.

19. Claims 24-44 show the same features as in claims 1-13 and are rejected for the same reasons.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P Sax whose telephone number is 703-305-9582. The examiner can normally be reached on M-F 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 703-308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "STEVEN P SAX". Below the signature, there is a small, faint, rectangular stamp or mark that appears to contain the letters "USPTO" and some other partially obscured text.